



2016 KANSAS LEGISLATIVE E-REPORT #13

Paul Johnson – April 8, 2016

2016 KANSAS LAWS

Senate Bill 329 allows the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture to change the place of use of a base water right for a multi-year flex account (MYFA) term permit. MYFA's are five year water rights where a farmer can vary annual water usage over five years but cannot exceed the five year water rights total. Under current law, a MYFA change in place of use would require a new MYFA term permit being issued by the Chief Engineer.

Senate Bill 330 establishes the Kansas Conservation Reserve Enhancement Program (CREP) in statute. The CREP was first created by the 2007 Legislature and has existed since then by its authorizing language being annually included in appropriation bills. In Western Kansas, CREP is used to buy existing water rights to conserve water and assist with stream flow. In eastern Kansas, CREPs will be used as buffer strips to control soil loss into the reservoirs and improve water quality. The whole program is capped at 40,000 acres statewide and there are limitations on how many of these acres can be located in one county. It will now take new law to modify these restrictions.

HCR 5008 is a proposed state constitutional amendment to establish a constitutional right to hunt, fish and trap wildlife in Kansas. This amendment would specify that hunting and fishing shall be the preferred means of managing and controlling wildlife. This amendment would not be construed to modify any provision of law relating to trespass, property rights, or water resources. A simple majority vote in the November 2016 general election will put this amendment in the Kansas Constitution.

Senate Bill 334 enacts new law and amends existing law related to the ability of the Attorney General to be fully heard before any Kansas statute or constitutional provision is determined by a Kansas court to be invalid or unconstitutional. The Attorney General

has 21 days from the date of any notice to appear or intervene. The Attorney General is not required to intervene.

Senate Bill 423 changes the name of Kansas State University – Salina, College of Technology to Kansas State University Polytechnic Campus.

House Resolution 6045 states the Kansas House supports the use of sound science to study and regulate modern agricultural technologies such as crop protection chemistries, and genetically engineered or enhanced traits and nutrients. The resolution states that the Kansas House opposes legislation or regulatory action, at any level, that may result in unnecessary restrictions on the use of modern agricultural technologies. In this resolution there is no definition of 'sound science' such that the research should be peer reviewed, the results published in a reputable science journal and no required disclosure of the funding source for the research. 'Unnecessary restrictions' means no mandatory labelling of genetically modified food.

Senate Bill 314 re-establishes the Local Food and Farm Task Force and establishes a new sunset for the Task Force of July 1, 2017. The bill continues the membership of the Task Force, provides for Task Force staffing and directs the Task Force to prepare a Local Food and Farm Plan to be submitted at the beginning of the 2017 Legislative Session. The bill revises the directives and adds a new directive for the Task Force to study:

- 1) Identification of financial opportunities, technical support, and training necessary to expand production and sales of locally grown agricultural products;(revised)
- 2) Identification of strategies and funding needs to make locally grown foods more accessible;(revised)
- 3) Identification of factors affecting affordability and profitability of local grown foods.(new)

Senate Bill 367 creates and amends laws related to the Kansas juvenile justice system. Effective July 1, 2017, the bill establishes overall case length limits for misdemeanors, low-risk/moderate-risk offenders and high-risk offenders. The bill requires the Kansas Department of Corrections to consult with the Supreme Court in adopting rules and regulations by January 1, 2017, for a statewide system of structured community-based graduated responses for technical probation violations, conditional release violations, and sentence condition violations to be used by community supervision officers. Effective January 1, 2017, a court must appoint a multidisciplinary team to review cases where a juvenile fails to substantially comply with the development of the immediate intervention plan. The bill establishes the Kansas

Juvenile Justice Oversight Committee to oversee the implementation of reforms in the juvenile justice system by September 1, 2016. There are 19 committee members and they must file annual reports starting November 30, 2017. (In the Kansas Legislative Research Department's write-up, there are 17 pages dedicated to this bill.)

Senate Sub. for House Bill 2655 amends statutes relating to school finance. The bill alters statutory formulas for providing Supplemental General State Aid and Capital Outlay State Aid for 2017. The bill amends law related to the School District Extraordinary Need Fund and provides for School District Equalization State Aid. This bill added no new money for 2017 and will be presented to the Kansas Supreme Court for review. \$38 million in new money would have fully funded the past school funding formula in regards to state aid equity among all school districts.

Senate Bill 338 revises provisions of law pertaining to the authority of cities and nonprofit organizations to petition the district court to possess abandoned property temporarily for rehabilitation purposes. 'Abandoned property' and 'blighting influence' are redefined in this bill.

(The Kansas Legislative Research Department has issued two summaries – March 24 and March 28 – of the major legislation passed by the 2016 Kansas Legislature. The website is: <http://www.kslegresearch.org/KLRD-web/Publications.html>)

NEW SCHOOL FUNDING FORMULA LEGISLATION

House Bill 2741 was put together by the chairs of the Senate and House Education Committees – Rep. Ron Highland and Sen. Steve Abrams. HB 2741 would create a new finance formula to replace the block grants as of July 1, 2017. This proposed school finance system would reduce funding, including the elimination of state funding for extracurricular activities, and provide tax funds to parents who send their children to private schools or home schools. School districts could increase property taxes without any limit - with voter approval – for those extracurricular activities. The school districts would have to raise their mill levies from the existing 20 mills to 35 mills to fund instruction activities. There is uncertainty whether committee hearings will be held on this bill during the veto session.

ELECTION TIMELINES

The 2016 Primary Election is just four months away and the November General Election is seven months away. There will be one U.S. Senate race, all four U.S. House seats, all 40 seats in the Kansas Senate and all 125 seats in the Kansas House up for grabs.

June 1 – Candidate filing deadline; Last day to change party affiliation before primary.

July 12 – Last day to register to vote for primary election.

July 13 – First day advance ballots are mailed. In person advance voting may begin. Contact your county election officer to find out when and where.

August 1 – Noon deadline to cast advance voting ballots in person in office of County Election Officer.

August 2 – Primary Election; Advance voting ballots must be received in office of County Election Officer by close of the polls.

October 18 – Last day to register to vote in general election.

October 19 – First day advance ballots are mailed. In person advance voting may begin. Contact your county election officer to find out when and where.

November 4 – Deadline for voters to apply for advance voting ballots to be mailed.

November 7 – Noon deadline to cast advance voting ballots in person in office of county election officer.

November 8 – General Election; Advance voting ballots must be received in office of county election officer by close of the polls.

(Here is the link to the candidates that have filed so far:

http://www.kssos.org/elections/elections_upcoming_candidate.asp)